IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

-

WRIT PETITION NO : 5501 of 1995

Between:

P.Hari Babu, S/o. Lakshmayya,
D.No.21--44--43, Golla Veedhi, Visakhapatnam-530001.

..... PETITIONER

AND

1 The Managing Director, Rashtriya Ispat Nigam Limited
Visakhapatnam Steel Plant Visakhapatnam-530001.
2 The Incharge, Non-Executive Recruitment Section, Personnel Department, Rashtriya
Ispat Nigam Limited, Visakhapatnam Steel Project, Visakhapatnam-530001.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus or any other appropriate Writ, Order or direction directing the respondents to appoint the petitioner as Junior Trainee or in any other post in the respondent organisation on the basis of the selection.

Counsel for the Petitioner: MR.K.SUBRAHMANYAM

Counsel for the Respondents: MR.V.RAVINDER RAO

The Court made the following:

ORAL ORDER:

In this Writ Petition, the petitioner seeks a direction to the respondents to appoint him as a Junior Trainee or in any other post in the respondents' organization on the basis of the selection held in 1991.

2. The facts, to the extent necessary for the purpose of this Writ Petition, are that pursuant to the petitioner's name being sponsored by the District Employment Exchange, Visakhapatnam, to the post of Junior Trainee, against a notification issued by the Visakhapatnam Steel Plant, (now Rashtriya Ispat Nigam Limited), the petitioner appeared for the written test on 28.7.1991, was subsequently interviewed on 26.8.1991 and on his being selected both in the written test and the interview, he was informed, vide letter dated 14.12.1991, to appear for the medical examination. The petitioner was found medically unfit and as such was not selected.

3. The grievance of the petitioner is that the respondents had not informed him of the grounds on which he was found to have been medically unfit.

4. Sri K.Subrahmanyam, learned counsel for the petitioner contends that physical disability cannot be a ground for denial of employment more so in view of a catena of judgments of both the Supreme Court and this Court holding that persons suffering from physical disability are entitled for protection including reservation in employment. He contends that even totally blind persons are being given employment and therefore the petitioner ought not to have been found medically unfit or denied employment on the ground of his not being medically fit.

5. While it is no doubt true that pursuant to the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, statutory protection is given to persons suffering from several physical disabilities, both in employment and for admission in educational institutions, denial of employment to the petitioner, in the present case, was not on the ground that he suffered from a physical disability, but on the ground that he was found medically unfit.

6. It is categorically stated in the counter affidavit that there is a 3-tier process of selection, i.e., written test, interview and medical examination. It is also stated that no person who was found medically unfit was given the offer of

appointment to the post of Junior Trainee.

7. Standards of medical fitness to be prescribed for different posts, which are required to be complied with by persons seeking employment, is for the employer to determine and as long as these standards are uniformally applied and not selectively, it is not for this Court to go into the question as to what should be the medical standards, required to be prescribed for different posts.

8. The contention that no reasons have been assigned need not detain this Court since in NATIONAL INSTITUTE OF MENTAL HEALTH & NEURO SCIENCIES vs. K.K.RAMAN[1], the Supreme Court held that mere selection does not confer any right for appointment and that a candidate, who appeared for selection, is not entitled to claim that he should be informed of the reasons for his non-selection.

9. As the selection process, prescribed by the respondents, viz., written test, interview and medical examination, has been uniformally applied to all applicants to the posts of Junior Trainees and in view of the categorical averment in the counter affidavit that no offer of appointment to the post of Junior Trainee was issued to any candidate, who was found medically unfit, the petitioner is not entitled to the relief sought for in this Writ Petition. The action of the respondents cannot be said to be arbitrary or discriminatory or in violation of Articles 14 and 16 of the Constitution of India.

10. The Writ Petition is accordingly dismissed. No costs.

11.07.2005

SSR

To

1 The Managing Director, Rashtriya Ispat Nigam Limited
Visakhapatnam Steel Plant Visakhapatnam-530001.
2 The Incharge, Non-Executive Recruitment Section, Personnel Department, Rashtriya
Ispat Nigam Limited, Visakhapatnam Steel Project, Visakhapatnam-530001.

3 2 CD copies

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